

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAN 04 2012

JULIA C. DUDLEY, CLERK
BY: 
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DON W. MCKINNEY,) CASE NO. 7:11CV00576
)
Petitioner,)
) FINAL ORDER
vs.)
)
COMMONWEALTH OF VIRGINIA,) By: James C. Turk
) Senior United States District Judge
Respondent.

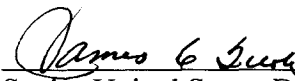
In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, for failure to exhaust state court remedies, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 3rd day of January, 2012.


Senior United States District Judge